

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ALBERT LEE,)	
)	
Plaintiff,)	
)	10-cv-00151
v.)	
)	Judge Lesley Wells
LEE LUCAS, et al.,)	
)	JURY TRIAL DEMANDED
Defendants.)	

**PLAINTIFF'S REPORT OF PARTIES' PLANNING MEETING
UNDER FED. R. CIV. P. 26(f) AND L.R. 16.3(b)**

Under Fed. R. Civ. P. 26(f) and L.R. 16.3(b), a meeting was held by telephone on December 7, 2011, and was attended by undersigned counsel and multiple counsel for Defendants. The parties were unable to agree on how this case ought to proceed. Plaintiff's positions are set forth below:

1. Plaintiff believes the parties should exchange pre-discovery disclosures required by Rule 26(a)(1) by February 9, 2012.

2. Plaintiff recommends the following track:
__Expedited __Standard X Complex __Administrative __Mass Tort

3. Pursuant to Local Rule 5.1(c) all documents must be electronically filed absent a showing of good cause.

4. Plaintiff does not believe that this case is suitable at this time for one or more of the following Alternative

Dispute Resolution (ADR) mechanisms:

☐ Early Neutral Evaluation ☐ Mediation ☐ Arbitration.

5. Plaintiff ☐ does / ☒ does not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

6. Plaintiff's Recommended Discovery Plan:

(a) Describe the subjects, nature and extent of discovery: Plaintiff anticipates that the parties will require extensive written and deposition discovery to determine the scope of any alleged constitutional violations against Plaintiff.

(b) Non-Expert discovery cut-off date: January 28, 2013

(c) Initial expert report due date: March 28, 2013

(d) Rebuttal expert report due date: April 29, 2013

(e) Expert discovery cut-off date: May 29, 2013

7. Plaintiff's recommended cut-off date for amending the pleadings and/or addition additional parties: July 26, 2012.

8. Plaintiff's recommended dispositive motion date: June 28, 2013

9. Plaintiff's recommended date for Status Hearing/Settlement Conference: July 2, 2012

10. It is Plaintiff's understanding that Defendants' will argue that the Court should defer holding a CMC at this time and that, rather than entering a CMO, the Court should enter an

order allowing them to file a second round of pre-discovery dispositive motions, raising new arguments not raised in the first round. Plaintiff objects to the filing of any such motions at this time. This case is almost two years old. Defendants were free to assert any pre-discovery bases for dismissing this suit that they wished during that time. They failed to do so before this Court ruled on October 31. (And none has filed any such motion in the three months since). It is thus past time for discovery to commence. At the very least, having failed to raise these new arguments sooner, Defendants should be required to show cause why they should be allowed to do so now.

RESPECTFULLY SUBMITTED,

s/ Aaron Mandel

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CERTIFICATE OF SERVICE

The undersigned attorney certifies that the foregoing document was served upon counsel of record via the Court's ECF system.

s/ Aaron Mandel
